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FILED
U.S. DISTRICT COURT
SANTA CLARA COUNTY, CALIFORNIA
JAN 22 2013

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 12-00337-01 DLJ
12)
Plaintiff,) AMENDED STIPULATION AND
13 vs.) ☐ ORDER CONTINUING
14 JOSE CARDENAS,) SENTENCING HEARING DATE FROM
15 Defendant.) MARCH 21, 2013 TO MARCH 28, 2013
16 _____)

17 **STIPULATION**

18 Defendant Jose Cardenas, by and through Assistant Federal Public Defender Varell L.
19 Fuller, and the United States, by and through Assistant United States Attorney Thomas A.
20 Colthurst, hereby stipulate and agree, subject to the Court's approval, that the sentencing hearing
21 currently set in this matter for Thursday, March 21, 2013, at 10:00 a.m., be continued to
22 Thursday, March 28, 2013, at 10:00 a.m.

23 On December 20, 2012, Mr. Cardenas entered a plea pursuant to Federal Rule of
24 Criminal Procedure 11(c)(1)(C) to one count of violating 21 U.S.C. §§ 841(a)(1),
25 841(b)(1)(B)(viii) and 860, and a sentencing hearing date was set at that time for March 21,
26 2013. Defense counsel respectfully request a one week continuance to March 28, 2013, to

1 permit the Probation Officer assigned to conduct the presentence investigation, additional time to
2 consider materials recently submitted by the defense in response to the draft report prepared in
3 this matter. Accordingly, the defense respectfully request that the sentencing hearing date be
4 continued to March 28, 2013. United States Probation Officer Benjamin Flores, who has been
5 assigned to conduct the presentence investigation, has been consulted about the requested
6 continuance and has no objection. The parties further agree that the deadlines by which the
7 United States Probation Office must disclose the draft and final pre-sentence reports shall be
8 adjusted according to the new March 28, 2013, sentencing date.

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10 Dated: March 6, 2013

_____/s/_____
11 VARELL L. FULLER
12 Assistant Federal Public Defender

13 Dated March 6, 2013

_____/s/_____
14 THOMAS A. COLTHURST
Assistant United States Attorney

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[] ORDER

16 GOOD CAUSE APPEARING, and by stipulation of the parties, it is hereby ordered that
17 the sentencing hearing date set for Thursday, March 21, 2013, at 10:00 a.m. is continued to
18 Thursday, March 28, 2013, at 10:00 a.m., and the dates by which United States Probation must
19 disclose the draft and final pre-sentence reports shall be adjusted accordingly.

20
21 Dated: ~~HBJH~~



22 THE HONORABLE D. LOWELL JENSEN
23 United States District Court Judge
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